

In re Patent Application of:
BORDEN LARSON ET AL
Serial No. 10/689,557
Filing Date: 10/20/2003

Remarks

Applicant and the undersigned would like to thank the Examiner for his efforts and guidance provided in the examination of this application, for the allowance of Claims 1-5, and for the allowability of Claims 10, 14, and 15. Claims 1-16 remain in the case. New Claims 17-19 are added by this amendment. The specification is amended to more clearly and more completely identify related applications in the Cross Reference section. No new matter is added. Consideration of the claims in the case is respectfully requested.

Claims 6, 8, 9, 11-13, and 16 were rejected under 35 USC §102(b) as being anticipated by JP 04-071985 A ('85). Claims 6-9 were rejected under 35 USC §102(b) as being anticipated by US Patent No. 2,997,188 A to Hauser ('88).

Respectfully, neither '85 nor '88 teach or suggest a towing vessel having a support with a central portion above and proximate an operator station, wherein the support includes a tow rope attachment and tow rope towing a performer during operation of the vessel, as called for in amended independent Claims 6 and 11. Independent Claims 6 and 11 clearly distinguish over the cited references. Neither '88 nor '85 contain every element called for in Claims 6 and 11, and as a result a rejection under 35 USC §102(b) would appear not to be a proper rejection. Further, neither '88 nor '85 teach nor suggest the apparatus for towing a performer as called for in Claims 6 and 11. One of skill in the art would not look to a "load handling boat" such as disclosed in the '88 reference, nor look to a utility vessel teaching one to tow a driven boat such as described in '85 hoisting a wave runner on board for an apparatus as called for in Claims 6 and 11. The cited references are not enabling and do not sufficiently describe nor suggest the claimed invention to have made the public aware of such a claimed invention or placed the public in possession of the invention. Further, dependent Claims 7-10 depending from Claim 6, and dependent Claims 12-16

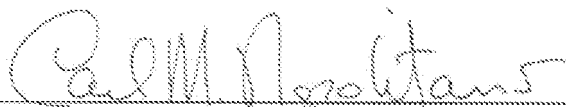
In re Patent Application of:
BORDEN LARSON ET AL
Serial No. 10/689,557
Filing Date: 10/20/2003

depending from Claim 11 add further limitations and as such further distinguish over known and cited references.

New independent claim 17 includes the features and limitations of previously presented independent claim 6, its dependent claims 8 and 9, and allowable claim 10. New independent claim 18 includes the features and limitations of previously presented independent claim 11 and allowable claim 14. New independent claim 19 includes the features and limitations of previously presented independent claim 11 and allowable claim 15.

Applicant respectfully submits that the above amendments and arguments presented place this application in a condition for allowance, and passage to issue is respectfully solicited. The Applicant and the undersigned would like to again thank the Examiner for the examination of this application. If the further prosecution of the application can be facilitated through telephone interview between the Examiner and the undersigned, the Examiner is requested to telephone the undersigned at the Examiner's convenience.

Respectfully submitted,



Carl M. Napolitano, Ph.D.
Reg. No. 37,405
ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST, P.A.
255 South Orange Avenue, Suite 1401
P.O. Box 3791
Orlando, Florida 32802
(407) 841-2330
Agent for Applicant